

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH APRIL, 2007 / 22ND CHAITHRA, 1929

WP(C).No. 12868 of 2007(F)

PETITIONER:

K.A.ABRAHAM,KAIPPANANICKAL HOUSE,
MADUKKAKUNNU P.O, ELLIKULAM,KOTTAYAM.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

1. ADDITIONAL DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
KOTTAYAM.
2. THE GOVERNMENT OF KERALA,REPRESENTED BY
ITS ADDITIONAL SECRETARY,LABOUR & REHABILITATION
DEPARTMENT,THIRUVANANTHAPURAM.

R1 BY STANDING COUNSEL FOR KMTWWF SRI.P.RAMAKRISHNAN.

R2 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 12868 OF 2007 - F

Dated this the 12th day of April, 2007

J U D G M E N T

The petitioner has been served with a final determination order dated 30.1.2007 (Ext.P1) whereby the contributions have been assessed on him under the Kerala Motor Transport Workers Welfare Fund Act. The petitioner filed Ext.P2 appeal before the second respondent. His complaint is that although the petitioner has prayed for an interim relief in Ext.P2, before disposal of that interim prayer, the first respondent has taken steps to recover the disputed amounts by Ext.P3 Notice. The petitioner therefore seeks a direction to the second respondent to consider his case for interim relief and to stay further proceedings pursuant to Ext.P3 till orders are passed by the second respondent on the interim relief.

2. I have heard learned counsel for the petitioner, the learned Standing Counsel appearing for the first respondent and the learned Government Pleader appearing

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for the second respondent.

3. Since the petitioner has already moved the second respondent for interim relief also in Ext.P2 appeal, it is only proper that the second respondent considers the petitioner's prayer for interim relief, expeditiously. Accordingly, I direct the second respondent to consider and pass appropriate orders on the interim prayer in Ext.P2 appeal, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment. Till orders are passed on the interim prayer, further proceedings pursuant to Ext.P3 shall be kept in abeyance.

The writ petition is disposed of with the above direction.

**S. SIRI JAGAN,
Judge**

Mbs/

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S.SIRI JAGAN, J

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J U D G M E N T

DATED:13-02-2007

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